

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 29, 1999  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Ferris, Gale, Kamen, Lambke, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Bruce Hurley, Trinity Presbyterian Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The minutes of the regular meeting of June 22, 1999, were approved 7 to 0.

OFF AGENDA ITEM      **ALL AMERICAN CITY**

Motion --      Knight moved that the rules be set aside and a matter be taken up off the Agenda.  
-- carried      Motion carried 7 to 0.

Council Member Pisciotte      Council Member Pisciotte reported on the City's All American City Award.

The City of Wichita, with a team of 21 members, had the smallest delegation. The team put forward a total concerted effort and had a great time.

The City of Wichita had outstanding winning projects:

Cessna Street Project  
Wichita Independent Neighborhoods  
Wichita's Promise

**UNFINISHED BUSINESS**

**ANIMAL CONTROL**      **CONTROL OF DANGEROUS AND EXOTIC ANIMALS.**

Continued from the June 22, 1999, meeting.

Mayor Knight      Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried      Knight moved that the Ordinance be placed on second reading and adopted. Motion carried 7 to 0.

ORDINANCE NO. 44-281

An Ordinance of the City of Wichita pertaining to the dangerous exotic animals; creating Chapter 6.08. of the Code of the City of Wichita; amending Section 6.04.040 of the Code of the City of Wichita; and repealing the original of Section 6.04.040, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

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## NEW BUSINESS

### **PARK FACILITY**

#### **Park Facility Report.**

Dick Horton

Dick Horton of Bucher, Willis & Ratliff Corp., reviewed the Item.

Agenda Report No. 99-625.

In November 1997, the City Council entered into a contract with the firm of Bucher, Willis & Ratliff Corp. to perform a comprehensive study of the City of Wichita's park facilities. To complete the study the consultant studied data provided by Park Department staff, conducted interviews with community leaders and neighborhood groups, conducted a survey of over 3,000 area residents and held "visioning" workshops with citizen groups to gauge the extent and character of park needs in the community. The resulting document provides a guide for improving Wichita's park system, including recommendations for improving existing park facilities and projections for future park needs for the next twenty years.

In December 1997, researchers from Bucher, Willis & Ratliff Corp. met with Park Department staff to outline their plan to complete a study of park facilities as outlined in the City's Request for Proposal "Scope of Services."

During the following year the consultant conducted meetings with City Council members and City staff, as well as with representatives from USD #259, Wichita Independent Neighborhoods, the Wichita Convention and Visitors' Bureau, the Wichita Park Alliance, Big Brothers and Sisters and numerous other park stakeholders and interested citizens. Public hearings were also held throughout the City in an attempt to gain input from a wide cross-section of the public regarding the existing and future need for park facilities.

In addition to these community meetings, the consultant developed a survey document and mailed it to 3,000 residents in the six City Council districts in order to assess the public's perception of need. A telephone survey was also performed in order to insure an equal percentage of responses from each district.

The consultant also performed a physical inventory of park facilities, analyzing present conditions and preparing recommendations for modernization and/or future use of the facilities.

The Board of Park Commissioners on June 28, 1999, accepted the resulting document. They recommended that the study be forwarded to the City Council as a document that will provide the Park Department with an ongoing vision and guide for upgrading existing park facilities and future utilization of these resources.

Consultant has received payment in full from the City for their services.

Mitch Mitchell

Mitch Mitchell, Park Board Member, responding to questions, said that when the South Lakes facility is fully staffed, it will be the premier facility in the Country. It is anticipated it will be another two years before it is up and running.

Council Member Pisciotte

Council Member Pisciotte said two years is unacceptable. The facility should be completed much sooner.

Lawrence Mitchell also said the City should not get into the position of accepting small parcels of land that people no longer want. It would be best to work with developers and neighbors to develop parks.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Mayor Knight

Mayor Knight said this subject would be a good basis for a workshop at some point. There should be an attempt to get a rhythm going between the Park Board and the City Council.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

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## SWINE FACILITY

### SWINE FACILITY REGULATIONS AND GROUNDWATER PROTECTION MEASURES.

Mike Taylor

Government Relations Director reviewed the Item.

Agenda Report No. 99-626.

In 1998, the Kansas Legislature passed House Bill 2950, setting into law rules and regulations for hog farm operations. Those regulations include safeguards intended to prevent pollution of surface and groundwater. The findings of a just completed study by Kansas State University researchers raise concerns about the impact hog farms could have on groundwater, such as the Equus Beds Aquifer, which is a major source of water for the City of Wichita.

Concerns over protection of the Equus Beds from confined swine feeding operations is growing because the Seaboard Corporation is expected to break ground this year on a swine processing facility in Great Bend. That facility, which is expected to process four million hogs a year, could spark an increase in the number of hog farms operating in South Central Kansas.

The Harvey County Commission is assembling an ad hoc committee to study the need for additional requirements on hog farms. The recommendations of that committee will be taken to the Kansas Legislature for consideration in the 2000 session. In establishing the study committee, the County Commission tabled a resolution which would have attempted to impose local requirements and groundwater protection measures on hog operations. The local regulations would have likely been challenged in court because state law prohibits local government regulation of swine facilities.

The issue of hog farm regulations, specifically those dealing with waste lagoons and groundwater protection, are likely to be revisited by the Kansas Legislature in 2000.

It's expected a majority of legislators from South Central Kansas will carry proposed legislation calling for enhanced water protection practices on waste lagoons built over sensitive groundwater areas such as the Equus Beds. Harvey County officials are hoping to assemble a coalition of support including, the Wichita City Council, Sedgwick County Commission, Reno County Commission, Butler County Commission, Kansas Association of Counties, League of Kansas Municipalities and the Equus Beds Groundwater Management District.

The Kansas Department of Health and Environment and Governor Bill Graves contend the current law is sufficient to protect both groundwater and surface water. Officials with the Equus Beds Groundwater Management District, however, are concerned that KDHE regulations allow waste lagoon leakage rates which can pollute the aquifer. The Kansas State University study also concludes that sandy soil and shallow groundwater increase the chance of pollution. Both conditions exist over the Equus Beds.

Efforts the change the state law will likely face strong opposition from the Kansas Livestock Association, the Kansas Pork Producers' Council, other agricultural organizations, the Seaboard Corporation and other businesses in the pork production industry.

The cost of initiating the recommended strategy and lobbying on this issue would be part of the existing Government Relations budget. No additional money would be required.

Mayor Knight

Mayor Knight said he hoped for an immediate response from the delegation from South Central Kansas. There should be a united position on the issue before the next legislative session. There is a need for immediate cooperation and unity.

Mike Taylor

Government Relations Director said it seems like the direction this is headed is that, including in the State Law, a definition of sensitive groundwater areas. There is already a Law on the books that deals with oil and gas properties administered by the KCC. The equus beds would certainly fit into a definition of a sensitive groundwater area. Then requirements, enhanced protections, would be put in place for those areas. A "one size fits all" may not be the appropriate solution.

David Warren

Director of Water and Sewer stated that he unequivocally shared the concerns regarding the equus beds.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

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- Rebecca Hannigan      Rebecca Hannigan, MOMs, stated that water quality is a very important issue. MOMs is ready to do whatever is necessary to make concerns known.
- Carol Schlicher      Carol Schlicher spoke in support and encouragement in the City's position. Ms. Schlicher said the City should be well prepared for a political fight on the State level with groups such as the Kansas Pork Producers' Council and lawmakers from rural areas where hog farming is viewed as economic development. If Wichita cannot win the fight politically, it should be prepared to go to court for its right to keep the equus beds from being polluted.
- Vicki Skaer      Vicki Skaer, member of the Lower Arkansas River Basin Advisory Committee which advises the Kansas Water Office and the Kansas Water Authority on watershed issues in the lower Arkansas River, said the Committee has had considerable discussion on the equus bed issue - mainly funding for Mike (inaudible) office and the equus beds issue.
- "The State Legislature has pretty much said to Mike, 'If you regulate corporate hog farms, you will not get funding.'" The Committee's main concern has been how to get funding for Mike.
- "Multi-nationals want to build factory hog farms in this area. They have been thrown out of much of Europe and many U.S. States. Because the Kansas Legislature lacks the will to keep them out of Kansas, they are coming to a county near you. The hogs will go elsewhere, perhaps Asia. The profits will go elsewhere, probably Europe. Seaboard is a multi-national company. I have been in London and Copenhagen. I have seen their ships there, their signs. They are a multi-national corporation. So the profits will go elsewhere. The hubs will go elsewhere. The pollution - the nitrates, the heavy metals, the air pollution, will stay here with us - in our bodies, in our lungs, in our children's bodies. I encourage you to lobby the legislature to protect our equus beds, our groundwater. Send the multi-nationals out of our watershed district."
- Motion --      Knight moved that the following actions be approved:
- 1) Adopt a policy/position statement calling for enhanced water protection practices in sensitive groundwater areas.
  - 2) Include the statement in the City of Wichita Legislative Program for the year 2000.
  - 3) Send letters to the South Central Kansas Legislative delegation, the Sedgwick County Commission, the Harvey County Commission, the Kansas Association of Counties, the League of Kansas Municipalities, the Equus Beds Groundwater Management District, the Sierra Club, the Regional Economic Area Partnership, the Kansas Department of Health and Environment and Governor Bill Graves notifying them of the City of Wichita's position.
  - 4) Select a City Council member (Martz was selected) to act as lead resource person and contact on this issue.
  - 5) Invite the Sedgwick County Commission to adopt the policy statement as part of its year 2000 Legislative program and join the advocacy effort for enhanced water protection measures.
  - 6) Volunteer the City of Wichita's assistance and involvement with the Harvey County ad hoc committee which will study this issue and help develop proposed legislation.
  - 7) Urge the Kansas Association of Counties and the League of Kansas Municipalities to adopt position statements
  - 8) calling for enhanced water protection measures in sensitive groundwater areas in each of their Legislative policy statements.
  - 9) Support and actively lobby for coalition legislation supporting the City of Wichita's position.
- carried      and, that the community do whatever it takes to protect the water supply. Motion carried 7 to 0.

## OFF AGENDA ITEM

### STREET CLOSURE.

- Mark Chamberlain      Mark Chamberlain, KAKE TV, Channel 10, said the 4th of July celebration had to be moved because it was previously located too close to Exploration Place and there was a fire concern. The following street closure was requested:
- KAKE TV - 4th of July Celebration  
                                 Moved to outside Lawrence Dumont Stadium  
                                 Close McLean (Douglas to Maple  
                                 8:00 a.m. Saturday through Sunday night following fireworks.
- There will be signed detours
- Motion -- carried      Knight moved that the street closure be approved. Motion carried 7 to 0.

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## CITY COUNCIL AGENDA

**VICTORIA SIDEWALK** **INSTALLATION OF SIDEWALK ON VICTORIA, FROM GALENA TO CROWLEY.** (Requested by Council Member Lambke)

Council Member Lambke Council Member Lambke reviewed the Item.

Neighborhood residents have contacted Council Member Lambke requesting the construction of sidewalk along a 10-block section of Victoria between Galena and Crowley to serve Anderson Elementary School. Children are currently walking in the street to get to the school.

Sidewalks have been requested to avoid the conflict between school children and vehicular traffic along Victoria.

Pattie, located one block west, and Hydraulic, located one block east, have sidewalks in this same area except along Pattie from Tulsa to the school site.

Should the Council determine that sidewalks should be installed, it is recommended that the matter be referred to the CPO to hold a public hearing to allow input from adjacent property owners and residents.

The estimated cost for sidewalk on both sides of Victoria is \$75,000 (east side - \$45,000, west side - \$30,000).

The section from Galena to Tulsa is eligible for CDBG funding although the adjacent neighborhood has not been designated a Local Investment Area nor a Neighborhood Revitalization Area. The section from Tulsa to Crowley is not currently eligible for CDBG funding. The estimated cost for the non-eligible section is \$8,300.

State Statutes authorize the City Council to order in sidewalk with special assessment funding or to construct it with at-large funding.

Council Member Lambke Council Member Lambke said there are many schools areas in the city with no sidewalks. The City should provide a safe avenue to and from school for the children.

Chris Cherches City Manager said approximately \$450,000 is allocated annually, primarily, for arterial sidewalks. This is not intended for residential sidewalks.

The City Council also allocates \$50,000 in CDBG funds annually for sidewalks where there are special safety concerns.

There could be some CDBG funds left at the end of the year. The Council would have to waive the City Council policy to utilize these funds for sidewalks.

Council Member Lambke Council Member Lambke said he like the Council to take a position on the policy regarding whether sidewalks should be provided in all elementary school areas.

Mayor Knight Mayor Knight said some citizens in these areas need to set priorities for the safety of their children going to school.

Council Member Lambke Council Member Lambke stated that a large part of the area is LHA housing. The other major part is apartment houses and it would be difficult to get the apartment owners to sign a petition. There is also a mental health facility.

Chris Cherches City Manager explained that the City Council can order in the sidewalk. There could also be an attempt to see whether a valid petition could be obtained.

Mayor Knight Mayor Knight asked that Staff return, as soon as possible, with suggestions of approach for council consideration.

## BOARD APPOINTMENTS

Motion -- Knight moved that Paul Cavanaugh (Gale), and Sam Lentz (Lambke), Historic Preservation; Shirley Yountz (Cole), Disabilities; Tim Moore (Knight), Library; Tim Austin (Engineer), Ken Bengston (Engineer), Howard Ellington (Architect), Dave Burk (Architect), Phil Meyers (Landscape Architect), Jerry Jones (Landscape

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Architect), Sonja Greteman (Artist), Kent Williams (Artist), George Laham (Resident at large), Art and Design; be appointed and moved that the appointments be approved. Motion carried 7 to 0.

## CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 13, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 28, 1999.

Water distribution system to serve Janzen Second Addition - north of 31st Street South, east of West Street. (448-89386/734926/654321) Does not affect existing traffic. City Council approval date: 6/8/99. (District IV)

WBW Contractors - \$3,874

Sewer response plan; cementitious lining of brick manholes (1999-Set 2) - south of Harry, east of Oliver (468-82780/620259/669384) Traffic to be maintained using flagpersons and barricades. City Council approval date: 1/26/99. (District III)

Enviro Remediation Coating Services - \$41,640

Knight moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Storm Water Drainage Repair at Lewis and Bluff Street (660451)

W.B. Carter Construction Co. - \$41,331 (Total net bid)

POLICE DEPARTMENT/SPECIAL INVESTIGATIONS DIVISION: Surveillance Equipment (602105)

Dell-Star Technologies, Inc. - \$10,925\* (Total net bid)

\*Corrected total

HUMAN SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY DIVISION: Janitorial Services for Various Wichita Housing Locations (127001)

A.M. Janitorial & Cleaning - \$535 (Group I-Item 1/per month)  
\$859 (Group I-Item 2/per month)  
\$ 55 (Group I-Item 3/per month)  
\$ 55 (Group I-Item 4/per month)  
\$270\* (Group II-(Item 1/per month)  
\$170\* (Group II-(Item 2/per month)

\*Winner by coin toss

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS: Variable Speed Rotary Screw Air Compressor (225516)

Atlas Copco - \$23,805 (Total net bid)

Knight moved that the contracts be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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## **LICENSE APPLICATION    APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:**

<u>Renewal</u>	<u>1999</u>	<u>(Consumption off Premises)</u>
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Loan H. Le	KC Gas & Groceries #1	1102 West Maple
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Motion -- carried                      Knight moved that the license be approved subject to staff approval. Motion carried 7 to 0.

## **PLANS & SPECS                      PLANS AND SPECIFICATIONS:**

a.                      Wichita Drainage Canal Improvements; south of Douglas to 10th Street - Wichita Drainage Canal, north of Kellogg. (468-82950/660779/868526) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/8/98. (District I)

b.                      Reconstruct Murdock Bridge at Drainage Canal - Murdock Bridge at Drainage Canal. (472-82784/715675/48083) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/2/98. (District I)

c.                      Sanitary Sewer Replacement at Murdock and Wichita Drainage Canal - west side of Drainage Canal at Murdock. (468-82999/620262/669387) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I)

Motion --                                      Knight moved that the plans and specifications be approved and advertised for bids to be submitted to  
-- carried                                      the Board of Bids and Contracts by 10:00 a.m. July 23, 1999. Motion carried 7 to 0.

## **SUBDIVISION PLANS AND SPECIFICATIONS:**

There were no subdivision plans and specifications considered.

## **PRELIMINARY EST.                      PRELIMINARY ESTIMATES:**

a.                      Lateral 379, Southwest Interceptor Sewer to serve Oakridge Second Addition - north of 29th Street North, east of Tyler. (468-82723/743797/480485) Does not affect existing traffic. City Council approval date: 7/15/97. (District V) - \$138,700.00

b.                      Lateral 120, War Industries Sewer to serve Pebblebrook Addition - north of Pawnee, west of Webb. (468-82279/743798/480486) Does not affect existing traffic. City Council approval date: 2/23/93. (District II) - \$120,000.00

c.                      Water distribution system to serve Pebblebrook Addition - north of Pawnee, west of Webb. (448-89385/734925/470595) Does not affect existing traffic. City Council approval date: 6/15/99. (District II) - \$80,000.00

d.                      Water distribution system to serve Woodland Lake Estates Second Addition - north of Harry, east of Greenwich. (448-89365/734915/470585) Does not affect existing traffic. City Council approval date: 3/2/99. (District II) - \$101,500.00

e.                      Storm Water Sewer 524 to serve Hunters Ridge and Pawnee Mesa Additions - north of Pawnee, west of Maize. (468-82972/751277/485168) Does not affect existing traffic. City Council approval date: 3/30/99. (District V) - \$178,000.00

f.                      Water supply line to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (448-89151/734923/470593) Does not affect existing traffic. City Council approval date: 7/15/97. (District V) - \$60,600.00

g.                      Water distribution system to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (448-89153/734924/470594) Does not affect existing traffic. City Council approval date: 7/15/97. (District V) - \$80,000.00

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h. Meridian Avenue, from 53.706 M north of Maple to 53.439 M north of north line of Caroline and from 31.501 M south of south line of St. Louis to 5.287 M south of St. Louis - north of Maple to south of Central. (472-82740/706408/405194) One way northbound traffic to be maintained at all times. City Council approval date: 9/15/98. (Districts IV and VI) - \$2,729,689.26

i. Eastern Avenue Bridge at Gypsum Creek - south of Kellogg, east of Rock Road. (87 BRO-N-0088-01; 472-83067; 448-89318/715673; 635532/248081; 544653) Bridge to be closed during construction. City Council approval date: 6/2/98. (District VI) - \$592,201.61

Motion -- carried Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

## DEEDS/EASEMENTS

### DEEDS AND EASEMENTS:

a. Drainage and utility easement dated June 7, 1999, from Via Christi Property Services, Inc. for a tract in the Kansas Surgery and Recovery Center Addition. (Private Project - Index No. 607861) No cost to City.

b. Utility easement dated May 25, 1999, from Joel D. and Stacy A. Bowles for a tract in the Urbandale Addition. (Index No. 188425) No cost to City.

c. Sanitary sewer Agreement from The Wedel Group XII LP, for a tract in Section 34, Township 26 South, Range 1 East. (Private Project - Index No. 607861) No cost to City.

Motion—carried Knight moved that the documents be accepted. Motion carried 7 to 0.

## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

CPO East Council 2, 6-14-99

CPO North Central Council 6, 6-16-99

Wichita Public Library, 6-15-99

Motion – carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

(Item No. 13)

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 99-642.

Central at Santa Fe is experiencing some settlement and surface deterioration adjacent to the crossings. An additional problem of track/rail misalignment has continued to worsen and now requires correction. The Railroad has tentatively scheduled the reconstruction of this crossing July 9-12, 1999. The Street Closure is requested to allow the sawing and removal of a portion of the concrete pavement, removal of the existing two west crossings, replacement of the removed crossings with ten foot wide ties and crossing material, and the replacement of the concrete pavement between and adjacent to the crossings.

Central Street is requested to be closed at the crossing area from approximately 6:00 p.m., Friday, July 9, 1999 until approximately 6:00 a.m., Monday, July 12, 1999. During the Closure, Central Street traffic will be detoured using Washington, Murdock, and St. Francis Streets.

The Railroad is responsible for the construction signs and barricades and the signing of the detour route. The Railroad is also required to notify the adjacent businesses concerning the Closure.

Motion – carried Knight moved that the street closure be approved. Motion carried 7 to 0.



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## CLAIMS ALLOWED

### REPORT ON CLAIMS ALLOWED - MAY 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Susan Davidson	\$ 110.00
Grant H. West	\$ 993.20
Melissa George	\$ 100.00
Kalisha Allen	\$ 78.00*
Carrissa Freeman	\$ 362.94
Madeline C. Braun	\$ 930.00
Kansas Gas Service	\$1,127.12
Ryan Nelson	\$ 105.90

\*Original claim was for a greater amount.

Motion – carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

## CDBG CONTRACT

### CDBG CONTRACT – COMMUNITY HOUSING SERVICES WICHITA/SEDGWICK COUNTY. (District I)

Agenda Report No. 99-627.

On June 4, 1995, the City Council approved \$150,000 of 1995/1996 Community Development Block Grant (CDBG) funds to establish a revolving home loan program for Community Housing Services Wichita/Sedgwick County under the auspices of the Neighborhood Reinvestment Corporation. From those funds, \$50,000 would be used for operating costs and \$100,000 for a revolving home loan program. The same amount (\$150,000) was allocated to this program from 1996/1997 CDBG funds.

March 4, 1997, the City Council allocated an additional \$150,000 from 1997/1998 CDBG funds to Community Housing Services Wichita/Sedgwick County (\$50,000 operating costs/\$100,000 revolving loan program). The \$50,000 for operating costs was set up and expended in 1998 and this contract will add \$100,000 to the Community Housing Services Wichita/Sedgwick County revolving home loan program.

The three-year total of \$150,000 in operating funds and \$300,000 in revolving home loan funds completes the City's three-year commitment for CDBG funding to this agency.

This contract provides Community Housing Services Wichita/Sedgwick County \$100,000 in revolving home loan funds allocated from 1997/1998 CDBG funds. The target area for these funds has been expanded from the KenMar area to the Northeast Local Investment Area.

The \$100,000 provided for in this contract will increase Community Housing Services Wichita/Sedgwick County's revolving home loan program from \$200,000 to \$300,000.

Motion --  
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## HEALTH DEPT.

### LABORATORY CONTRACTS - WICHITA/SEDGWICK COMMUNITY HEALTH DEPARTMENT.

Agenda Report No. 99-628.

A Contract for laboratory services with Continental Analytical Services, Inc., of Salina, Kansas, has existed since August 6, 1996. By mutual agreement, the Contract was extended until April 1999. A Request for Proposals (RFP) for a new contract was sent on January 22, 1999. Responses were received by the Purchasing Manager on February 18, 1999, and sent to the Staff Screening and Selection Committee. Six responses were reviewed.

The criteria for selection were:

1. Laboratories must be certified by the Kansas Department of Health and Environment for each of the requested analytical parameters.
2. The laboratories must have an in-house Quality Control/Quality Assurance program.

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3. Laboratories must be able to analyze sample multiples within the expected time frames. Typically, the City should receive results from the laboratory within 10-15 days of sample receipt.
4. Laboratories must employ staff who are technically competent in performing environmental analyses on water and wastewater samples in accordance with Federal USEPA laboratory standards.
5. Laboratory analytical services must be competitively priced.
6. Laboratory must supply trained personnel for field sample collection.

The Committee recommends Continental Analytical Services, Inc., to be the contract laboratory for Brooks and Chapin Landfills, and John's Sludge Pond. Alpha Analytical, Inc., will be the contract laboratory for all other City analytical needs as described in the RFP. This Contract will be for two years from the day of the Contract award date, subject to three, one-year renewals.

Annual costs will vary according to the number of samples required to be taken each year. Brooks Landfill sampling may range from \$35,000 to \$108,000 per year. Chapin Landfill sampling will be approximately \$3,600 per year depending on KDHE monitoring requirements, and John's Sludge Pond sampling will be approximately \$2,900 per year.

Annual sample analysis costs for the Sewage Treatment Plant will be approximately \$13,000 for storm water samples, \$6,000 for industrial wastewater samples, and \$27,000 for biosolids samples. In addition, there will be a need for analysis on samples gathered in the investigation of various environmental site projects, as well as analytical requirements for the Airport Authority.

Motion --  
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DATA CENTER

### TECHNICAL SERVICES CONTRACT.

Agenda Report No. 99-629.

Data Center currently understaffed by 5.5 positions due to vacancies and increased program workloads.

It is proposed that technical consulting assistance be employed on a select and targeted basis on specific Data Center project tasks. It is recommended that Celeritas Technologies be utilized to provide services.

Cost for services will be not to exceed \$78,000. Data Center funds are available for the contract expenses.

Motion --  
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## ELECTRICAL AGMT.

### PROFESSIONAL SERVICES SUPPLEMENTAL AGREEMENT – ELECTRICAL - DUNCAN & ALLEN.

Agenda Report No. 99-630.

On August 4, 1998, the City Council authorized the City Attorney to intervene in Electrical Company merger proceedings. The City is actively participating in the cases before the Kansas Corporation Commission and the Federal Energy Regulatory Commission, as well as related electrical cases, to monitor their potential impact on electrical rates, service, and City franchises. The cases also provide an opportunity for the City to continue to seek the end of the rate disparity and to raise other issues about the allocation of costs for electrical generation. The City has used the services of the law firm of Duncan & Allen to provide legal advice and assistance in the electrical rate proceedings under a contract first entered on April 2, 1996.

This Supplemental Agreement provides the continued authority for the services of the firm of Duncan & Allen for electrical rate advice and representation in electrical proceedings. The agreement also covers the cost of services of expert witnesses and related expenses necessary for these proceedings.

This Supplemental Agreement is for a not-to-exceed sum of \$200,000. These services will be paid out of 1999 General Fund appropriated reserves.

Motion --  
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## GILBERT & MOSLEY

### SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES (LEGAL) GILBERT & MOSLEY PROJECT.

Agenda Report No. 99-631.

The City entered into a professional services agreement on November 20, 1990, and subsequent supplemental agreements with Stinson, Mag & Fizzell to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. The contractual limit under the existing contract has been passed and new authority is needed.

This supplemental agreement provides additional authority to continue to use the services of Stinson, Mag & Fizzell on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll which is handling the litigation to recover costs from responsible parties.

This supplemental agreement provides authority for an additional \$500,000 in legal services. These services will be paid out of the Gilbert & Mosley TIF budget. Funds are available under the Contractual Services account and a transfer within that budgetary account will be made to the extent necessary to cover expenses incurred.

Motion --  
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## NIC AGREE

### SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES (LEGAL) – NORTH INDUSTRIAL CORRIDOR (NIC) PROJECT.

Agenda Report No. 99-632.

The City entered into a professional services agreement on December 22, 1995, with Stinson, Mag & Fizzell to provide legal advice on environmental matters relating to the City's assumption of responsibility for the investigation and clean-up of groundwater contamination in the NIC site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice as needed as the project is being implemented. The contractual limit under the original contract has been reached and new authority is needed.

This supplemental agreement provides additional authority to continue to use the services of Stinson, Mag & Fizzell on an as-needed basis for particular legal and environmental issues on the NIC site.

This supplemental agreement provides authority for up to an additional \$100,000 in legal services. This sum is included in the NIC TIF budgets for 1999.

Motion --  
-- carried

Knight moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PARKING GARAGES

### REVIEW OF CONDITION OF CITY-OWNED PARKING GARAGE STRUCTURES.

Agenda Report No. 99-633.

Background: The City is responsible for operating and maintaining the City Hall parking garage and the State Office Building parking garage. The City Hall garage was built in 1994-1995 and the State Office Building garage was built in 1994. The structures are of similar construction with precast concrete columns, beams, walls and double tee floor members with a cast-in-place concrete wear surface. As the garages have been operating for some time, it was decided that a review of maintenance practices and a delineation of specific needs would be beneficial. To this end, Walker Parking Consultants was contacted concerning the performance of condition appraisals on both structures.

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Walker was the parking consultant and structural engineer on both projects. As such, they have intimate knowledge of the facilities and the specific issues inherent in each. They have presented a proposal to test various aspects of the structures, review the current maintenance procedures and make recommendations as to what needs to be done to maximize the useful lives of the properties.

Walker has proposed a lump sum fee of \$12,000 plus reimbursable expenses estimated at \$4,500 for a total cost of \$16,500. This amount will be split evenly between the City Hall garage and the State Office Building garage. There is money in both budgets to pay for the reports.

Motion --  
-- carried

Knight moved that Staff be authorized to negotiate a contract and the necessary signatures for condition appraisals. Motion carried 7 to 0.

## **VENDOR SELECTION. ELECTRICAL REPAIR SERVICE – SELECTION OF VENDOR.**

Agenda Report No. 99-634.

Various City departments require residential and commercial electrical repair services. To obtain the most qualified electrical repair service at a cost that would be most beneficial to the City, a Request for Proposal was sent to forty-five (45) vendors and nine (9) responded.

A selection committee reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, references, and costs. Based on this criteria, Shelley Electric, Inc. was selected for the electrical repair services.

The contract will not obligate the City to any specific purchases or volume of purchases on electrical repair services; it only provides the departments the ability to obtain electrical repair services from the most qualified, cost-effective vendor.

Motion --  
-- carried

Knight moved that the vendor be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **ELEC. GENERATION EMERGENCY STANDBY ELECTRICAL GENERATION.**

Agenda Report No.99-635.

This action is being taken to provide backup electrical power to selected Fire & Police Substation facilities in the event of a widespread loss of primary electrical utility service. The four facilities receiving electrical backup generators are located in four different quadrants of the City (North, South, East and West). This placement should provide for an efficient response to widespread electrical service failure to maintain Fire and Police response capability while minimizing costs for the same. To obtain the most qualified electrical repair service at a cost that would be most beneficial to the City, a Request for Proposal was sent to forty-five (45) vendors and nine (9) responded.

A selection committee reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, references, and costs. Based on these criteria, AAA Gen Power was selected for standby electrical repair services.

The Council has authorized \$180,000 for this project. However; the proposal from AAA Gen Power will not exceed \$135,000.

Motion --  
-- carried

Knight moved that selection of AAA Gen Power and Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **LINCOLN PARK IMP. DESIGN SERVICES FOR LINCOLN PARK BATHHOUSE IMPROVEMENTS. (District I)**

Agenda Report No. 99-636.

The City of Wichita received one proposal from Randal Steiner Architect, P.A. in response to Request for Proposal No. 1999-27, requesting qualified vendors to provide design services for Lincoln Park Bathhouse Improvements.

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The Park Department is requesting approval of this design firm to provide the specifications necessary for converting the existing bathhouse structure to a restroom facility at Lincoln Park.

On February 9, 1999 City Council approved an overall project to make improvements to Lincoln Park. A portion of the project includes restoration of the existing bathhouse structure's historical façade and conversion of the bathhouse into accessible restroom facilities. Randal Steiner Architect is the sole bidder to provide design services for rehabilitation of the Lincoln Park bathhouse. The project will begin immediately upon approval and will require forty-five working days to complete design and construction drawings.

Architectural and Landscape Architectural services are estimated in the amount of \$10,000.

Motion -- carried

Knight moved the vendor be approved. Motion carried 7 to 0.

## DRINKING WATER

### DRINKING WATER LEAD AND COPPER TESTING.

Agenda Report No. 99-637.

One of the requirements of the Safe Drinking Water Act (SDWA) is for the City's water to be tested for lead and copper at the consumer's tap. In 1992, the City was required to begin annual sampling at selected sites throughout the water distribution system. Those sites had to be either homes that were documented as having lead service lines, or homes that were constructed in the mid-80s using copper piping. The Water Department conducted the annual sampling from 1992 until 1996. The results indicated that the lead and copper levels were far below the levels determined to be significant by the Environmental Protection Agency (EPA). Since the detected levels were low, under the rules of the SDWA, the City was able to halt testing for three years.

The City originally collected samples from 100 of the 250 potential sites that were identified. Under regulations of the Lead and Copper Rule, the City is obligated to continue testing the same 50 sites, if at all possible. The Rule also requires the samples to be collected between June and August of 1999. In order to meet the requirements, a water sample must be collected after the water has been idle in the home for at least six hours. The best time to take a sample is the first thing in the morning before any one uses any of the water facilities. To meet that requirement, the cooperation and participation of the homeowners is essential.

The last time the Department tried to collect samples, a number of the homeowners expressed a reluctance to continue to participate, especially since they had already collected samples for the four previous years. In order to encourage these homeowners to continue to participate, it is recommended that they receive an incentive payment to help compensate them for their cooperation. It is recommended that those homeowners who participate receive a \$10.00 credit on their water bill.

There will be 50 samples collected making the total cost of the incentive payments \$500.

Motion --  
-- carried

Knight moved that the Water and Sewer Department be authorized to issue a \$10.00 credit on water bills to those who participate in the lead and copper testing program. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION OF WATER LINE IN 61ST STREET NORTH FROM PARK CITY.

Agenda Report No. 99-638.

Two benefit districts are being formed to bring water service to the south of 61st St. N. in the area between Fairfield and Armstrong.

The City of Park City currently has a line in 61st St. N., which serves a total of ten customers from local wells. Rather than construct a parallel line in 61st St. North to serve the benefit districts, it is more economical to acquire this service line and these customers from Park City.

The Park City Council has voted to transfer the line to Wichita on the conditions: 1) Wichita pay for the termination of the line on the east side of the railroad tracks and install a blowoff assembly; and 2) Wichita contact the City of Valley Center concerning the one connection at 1602 W. 61st St. N. that is in the city limits of Valley Center.

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Acquisition of this line from Park City under the terms as outlined above makes practical and economic sense. Staff concurs with these conditions and has sent a letter to Valley Center requesting permission to continue to serve the customer at 61st St. North after the transfer and until such time as Valley Center extends service to this location.

The customers currently served by Park City would become Wichita customers at applicable rate levels. It is proposed that no plant equity fees be required in view of the economic benefit Wichita would receive from acquiring the line, and the fact that these customers are existing customers of another utility and are already receiving service.

Acquisition of the line from Park City will be cost-effective in comparison with the cost of constructing a new line.

Motion --  
-- carried

Knight moved that the transfer of the water line be approved; the documents be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## POLICE EQUIPMENT

### PURCHASE COMMUNICATIONS EQUIPMENT FOR THE POLICE DEPARTMENT.

Agenda Report No. 99-639.

The Police Department has requested 11 mobile radios for the Weed and Seed Program. The Weed and Seed Program is a federally funded grant program that brings together federal, state, and local crime-fighting agencies; social service providers; representatives of the public and private sectors; prosecutors; business owners; and neighborhood residents to "weed" out violent crime and gang activity, while "seeding" the community with social services and economic revitalization. The program is administered in "officially recognized" sites in the geographic area bounded by Central, I-135, 29th Street North and Hillside. The radios will be used to help officers better communicate while conducting official "weeding" operations in northeast Wichita.

The equipment to be purchased must be compatible to the 800 MHz trunked communication system operated by the Sedgwick County Department of Emergency Communications. The equipment must be integrated into the shared mobile relay to provide efficient and dependable range and clarity of communications. To be compatible with the existing 800 MHz system (which was purchased from Motorola) and fully integrated, the needed equipment is available only from Motorola Communications and Equipment.

The purchase of this radio equipment will cost \$30,199.95. There are sufficient funds available for the purchase of this equipment in the 1999 grant budget.

Motion --  
-- carried

Knight moved that the purchase of radio equipment from Motorola Communications and Equipment in the amount of \$30,199.95 under the provisions of the Purchasing Ordinance for sole source of supply be approved. Motion carried 7 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JUNE 22, 1999)

- a. Z-3307 - north side of 21st Street North, east of 119th Street West. (District V)

#### ORDINANCE NO. 44-282

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. Z-3307

- b. P.O.-33 southeast corner of Central and Jackson. (District )

#### ORDINANCE NO. 44-283

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by-Section 28.04.010, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

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- c. A 99-8 -north and south of Kellogg, between 119th Street West and 167th Street West. (District V)

## ORDINANCE NO. 44-284

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. A 99-8

- d. A 99-23 - ½ mile south of 47th Street South on the east side of Meridian Avenue. (District IV)

## ORDINANCE NO. 44-285

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. A 99-23

- e. Douglas streetscape.

## ORDINANCE NO. 44-286

An Ordinance amending Ordinance No. 43-304 of the City of Wichita, Kansas, declaring Douglas from Main Street to Topeka and Topeka from Douglas to William to be main trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

## PLANNING AGENDA

S/D 99-21

### S/D 99-21 PLAT OF WEBB-31 ADDITION LOCATED ON THE SOUTHWEST CORNER OF WEBB ROAD AND 31ST STREET SOUTH.

Agenda Report No. 99-640.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

This site is located in the County within three miles of the City's boundary. The plat has been approved by the Health department for the use of on-site sanitary sewer and water facilities. A restrictive covenant was also required assuring that only residential-type wastes would be generated. A restrictive covenant was also submitted requiring a Community Unit Plan if Lots 1 and 2 are developed under unified ownership.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenants will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Plat be approved; the Documents be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

RECESS

The City Council recessed to a Water Rate Analysis Review workshop session at 10:50 a.m. and reconvened at 11:37 a.m.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, and preliminary discussions relating to the acquisition of real property for public purposes, and the regular meeting be resumed at 12:15 p.m. in the City Council Chambers. Motion carried 7 to 0.

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## RECESS

The City Council recessed at 11:38 a.m. and reconvened at 12:18 p.m.

## Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

## ADJOURNMENT

The City Council adjourned to workshop session at 12:18 p.m.

Pat Burnett  
City Clerk